

Application Serial No. 10/658,675
Attorney Docket No. 109136.125 US1
Reply to Office Action dated July 19, 2004

REMARKS

By the present Amendment, claims 1, 2, 15, and 19 have been amended. Claims 20-22 are newly presented for consideration. No claims have been canceled. Accordingly, claims 1-22 are now pending in the application. Claims 1 and 19 are independent.

I. Summary of Rejections

In the Office Action of July 19, 2004, the drawings were objected to under 37 C.F.R. §1.83(a). Claim 15 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claims 1-8, 11, 12, 16, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application 2002/0074764 published to Allen et al. ("Allen"). Claims 1, 3, 4, 6-8, 10-12, 16, 18, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,053,518 to Chiu. Claims 9, 15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Allen. Claims 1 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,239,253 to Golze in view of U.S. Patent 6,213,539 issued to Williams et al. ("Williams"). Claims 7-9, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Golze in view of Williams, and further in view of U.S. Patent 4,674,933 issued to Brown. These rejections are respectfully traversed.

II. Drawing Objections

The drawings were objected to under 37 C.F.R. §1.83(a) for failing to show every feature of the invention specified in the claims. Specifically, the Examiner suggests that the drawings do

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not illustrate a "bumper having a greater overall height than the frame part (claim 2) and the bumper comprising a storage area (claim 13 and 14)."

Applicant has amended claim 2 to recite the outer diameter dimension being greater than the frame part. This feature is shown in the drawings. With respect to the storage area, Applicant respectfully submits that this feature is illustrated in Figure 1 and identified by reference numeral 10a.

Applicant respectfully requests withdrawal of the objection to the drawings as all features specified in the claims are illustrated in the drawings.

III. 35 U.S.C. §112, Second Paragraph Rejections

Claim 15 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Office Action indicates that the term "add-on parts" is a relative term which is not defined by the claim or the specification.

In an effort to advance prosecution of the present application, claim 15 has been amended to recite "a reflector." Applicant respectfully submits that claim 15 is now in full compliance with the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of this rejection is respectfully requested.

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IV. 35 U.S.C. §102 Rejections

Claims 1-8, 11, 12, 16, 18, and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Allen. Claims 1, 3, 4, 6-8, 10-12, 16, 18, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Chiu.

As amended, independent claim 1 defines a bicycle trailer which comprises, in part, at least one bumper which projects past the outside of the frame at least on a front end of the chassis. The Office Action alleges, for example, that Allen discloses at least one bumper (120) which projects past the frame part in at least one direction. However, the fender disclosed by Allen does not project past "the frame at least on a front end of the chassis," as set forth in amended claim 1. The Office Action indicates that reference numeral 20 of Chiu corresponds to a bumper such as set forth in independent claim 1. Review of Chiu suggests that reference numeral 20 identifies a carrier frame used to assist in confining the two wheels (see col. 2, lines 38-44). Notwithstanding this fact, Chiu clearly fails to disclose a bumper that projects past "the frame at least on a front end of the chassis."

It is therefore respectfully submitted that independent claim 1 is allowable over the art of record.

Claims 2-18 and 20-22 depend, either directly or indirectly, from independent claim 1 and are also believed allowable for at least the reasons set forth above with respect to independent claim 1. In addition, these claims each introduce novel elements that independently render them patentable.

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Similar to independent claim 1, independent claim 19 defines a bicycle trailer that comprises, in part, a bumper which projects past the frame part at least on a front end of the chassis. As previously discussed, this feature is not disclosed or suggested by the applied references. Accordingly, independent claim 19 is also believed allowable over the art of record.

V. 35 U.S.C. §103 Rejections

Claims 9, 15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Allen.

As previously discussed, Allen fails to disclose features that are recited in independent claim 1. These features are also not suggested by Allen. Accordingly, claims 9, 15, and 17 are believed patentable over Allen.

Claims 1 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Golze in view of Williams. The Office Action alleges that Golze discloses a trailer that comprises a bumper as recited in independent claims 1 and 19. The Office Action admits that Golze fails to disclose a bicycle trailer. Williams is relied upon for providing a motivation to use the trailer of Golze as a bicycle trailer "as it would merely involve the alternate utilization of an equivalent trailer means to achieve the same exact function of trailing items behind a vehicle.

Applicant respectfully disagrees with these allegations. First, neither Golze nor Williams discloses a bicycle trailer that comprises, in part, a bumper which projects past the frame part at least on a front end of the chassis. Second, Golze and Williams clearly fail to disclose bicycle trailers as set forth in the claimed invention. The trailer disclosed by Golze is designed primarily

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for use with automobiles, while the trailer disclosed by Williams is designed to transport bicycles.

It is therefore respectfully submitted that independent claims 1 and 19 are allowable over the combination of Golze and Williams because these references (i) fail to disclose or suggest all of the features recited in the claims and (ii) are in different fields of endeavor.

Claims 7-9, 13, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Golze in view of Williams, and further in view of Brown.

As discussed with respect to independent claims 1 and 19, the combination of Golze and Williams fails to render the claimed invention obvious. The features recited in independent claims 1 and 19 simply are not disclosed or suggested by these references. Further, the rejection appears to be inappropriate because neither reference is in the same field of endeavor as the claimed invention. The inclusion of Brown fails to remedy the shortcomings of the primary and secondary references. In fact, Brown also appears to be in a different field of endeavor since it discloses a hay toting apparatus for use with a vehicle such as a pick up truck. See abstract.

Applicant respectfully submits that claims 7-9, 13, and 14 are allowable over the art of record.

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For the reasons stated above, it is respectfully submitted that all of the pending claims (1-22) are in condition for allowance. Therefore, a Notice of Allowance is believed in order, and courteously solicited.

The Examiner is respectfully requested to contact the undersigned, if it is believed that such contact would further the examination of the present application.